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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,335	02/21/2006	Manfred Jungen	2003CH007	3143

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CLARIANT CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
4000 MONROE ROAD  
CHARLOTTE, NC 28205

EXAMINER
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NGUYEN, KHANH TUAN

ART UNIT	PAPER NUMBER
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1751

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/569,335

Applicant(s)

JUNGEN, MANFRED

Examiner

Khanh T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Amendment***

The amendment filed on 05/21/2007 is entered and acknowledged by the Examiner. Claims 1-14 are currently pending in the instant application. Claims 15-27 have been cancelled.

### ***Response to Arguments***

The rejection of claims 1-14 rejected under 35 U.S.C 102(b) over Traber et al (U.S Pat. 6,200,948 hereinafter, "Traber") is maintained for the reason set forth thereof.

Applicant's arguments filed on 05/21/2007 have been fully considered but they are not persuasive.

In response to Applicant's remark on page 8, Applicant argues that Traber (U.S Pat. 6,200,948) references cited by the Examiner fails to disclose or suggest all of the elements of claim 1. Specifically, Applicants argue that Traber fail to disclose or suggest "an earth metal chloride or sulfate salt". Examiner respectfully disagrees with the Applicant argument.

Consider claim 1, Applicant should refer to Traber reference (Col. 5, lines 60-67) where as the reference discloses not only a water-soluble magnesium salt, most preferably a water-soluble magnesium salt in context is the sulfate or its heptahydrate and in particular the chloride or its hexahydrate. Traber also discloses the preferred salt is magnesium chloride hexahydrate. Therefore, the teaching of the prior art reference still read on.

Base on the above rational, it is believed that the claimed limitations are met by the references submitted and therefore, the rejection is maintained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being unpatentable by Traber et al (U.S Pat. 6,200,948).

Regarding claim 1, Traber discloses an aqueous mixture comprising: A) at least one alkoxyate of the formulation (I)  $R_1O-(CH_2-CHR_2-O)_n-CH_2-CH_2-OH$  (nonionic surfactant formula) or its phosphoric ester, wherein  $R_1$  is a linear or branched C6-C19-alkyl radical,  $R_2$  is hydrogen, methyl or ethyl, and  $n$  has an average value of 3 to 11; B) at least one compound selected from the group consisting of a hydroxyl carboxylic acid (chelating or sequestering agent) in simple form, a polyoligo hydroxyl carboxylic acid or a salt of a hydroxyl carboxylic acid in simple form, a salt of a polyoligo hydroxyl carboxylic acid, a polyacrylate, a phosphonate, a polyacrylate salt, a phosphonate salt and mixtures thereof; C) an aromatic sulphonation, sulphination or sulphation product or salts thereof (i.e. hydrotropic agent); and D) an alkaline earth metal salt (i.e. magnesium chloride hexahydrate). (Col. 1, lines 60-65) The reference specifically or inherently meets each of the instant limitations. The reference is anticipatory.

Regarding claim 2, Traber further discloses an aqueous mixture according to claim 1, wherein R1 is a linear or branched C8-C15-alkyl radical, R2 is hydrogen or methyl, and n has an average value of 5 to 9; B) is citric acid (Col. 4, line 38), sodium gluconate (chelating or sequestering agent), an alpha- hydroxyl polyacrylate, ATMP, HEDP, DTPMPA, EDTMPA, PBTC, salts of these phosphonates or mixture thereof; C) is cumenesulphonic acid, naphthalenesulphonic acid (i.e. hydrotropic additive), an alkali metal salt of cumenesulphonic acid, an alkali metal salt of naphthalenesulphonic acid, an ammonium salt of cumenesulphonic acid, an ammonium salt of naphthalenesulphonic acid; and D) is magnesium chloride, magnesium sulphate (i.e. magnesium salt), calcium chloride or calcium sulphate. (Col. 1, lines 6-65)

Regarding claim 3, Traber further discloses an aqueous mixture according to claim 1, wherein R1 is a linear or branched C12-C15-alkyl radical, R2 is hydrogen or methyl, and n has an average value of 6 or 7; B) is citric acid (Col. 4, line 38), sodium gluconate (sequestering agent), DTPMPA, or mixture thereof; C) is cumenesulphonic acid (i.e. hydrotropic agent), an alkali metal salt of cumenesulphonic acid, an ammonium salt of cumenesulphonic acid; and D) is magnesium chloride or magnesium sulphate (i.e. magnesium salt). (Col. 1, lines 6-65)

Regarding claim 4, Traber further discloses an aqueous mixture according to claim 3, wherein B) is citric acid (Col. 4, line 38) and sodium gluconate (sequestering

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agent), C) is sodium cumenesulphonate (i.e. hydrotropic agent), and D) is magnesium chloride (i.e. magnesium salt). [(Col. 7, lines 35-67) and (Col. 8, lines 1-23)]

Regarding claim 5, Traber further discloses an aqueous mixture according to claim 1, comprising two different alkoxylates of the formulation (I), A1) and A2); A1) wherein R1 is a branched C6-C14-alkyl radical, R2 is hydrogen, methyl or ethyl, and n has an average value of 3 to 11; and A2) wherein R1 is a linear or branched C8-C19-alkyl radical, R2 is hydrogen, methyl or ethyl, and n has an average value of 3 to 10. [(Col. 1, lines 6-65) and (Col. 2, lines 4-10)]

Regarding claim 6, Traber further discloses an aqueous mixture according to claim 5, wherein in A1) R1 is a branched C8-C12-alkyl radical, R2 is hydrogen or methyl, and n has an average value of 5 to 9; and in A2) wherein R1 is a linear or branched C10-C17-alkyl radical, R2 is hydrogen or methyl, and n has an average value of 4 to 8, and B) is citric acid (Col. 4, line 38), sodium gluconate (chelating or sequestering agent), an alpha- hydroxyl polyacrylate or ATMP, HEDP, DTPMPA, EDTMPA, PBTC or salts of these phosphonates or mixture thereof; C) is cumenesulphonic acid, naphthalenesulphonic acid (i.e. hydrotropic additive), an alkali metal salt of cumenesulphonic acid, an alkali metal salt of naphthalenesulphonic acid, an ammonium salt of cumenesulphonic acid, an ammonium salt of naphthalenesulphonic acid; and D) is magnesium chloride, magnesium sulphate (i.e.

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magnesium salt), calcium chloride or calcium sulphate. [(Col. 1, lines 6-65) and (Col. 2, lines 4-10)]

Regarding claim 7, Traber further discloses an aqueous mixture according to claim 5, wherein A1) R1 is a branched C10-alkyl radical, R2 is hydrogen, and n has an average value of 7; and in A2) wherein R1 is a linear or branched C12-C15-alkyl radical, R2 is hydrogen, and n has an average value of 6; and B) is citric acid (Col. 4, line 38), sodium gluconate (sequestering agent), DTPMPA or mixture thereof; C) is cumenesulphonic acid, an alkali metal salt of cumenesulphonic acid (sequestering agent), an ammonium salt of cumenesulphonic acid; and D) is magnesium chloride or magnesium sulphate (i.e. magnesium salt). [(Col. 1, lines 6-65) and (Col. 2, lines 4-10)]

Regarding claim 8, Traber further discloses an aqueous mixture according to claim 5, wherein A1) is an alkoxylate of a linear or branched C10-alcohol or mixture thereof having on average 8 ethylene oxide units (moles) and 1 propylene oxide unit (moles); and A2) is an alkoxylate of a linear or branched C12-C15-alcohol having on average 7 ethylene oxide units (Moles); and B) is a mixture of citric acid (Col. 4, line 38) and sodium gluconate (sequestering agent); C) is cumenesulphonic acid (sequestering agent); and D) is magnesium chloride (i.e. magnesium salt). [(Col. 1, lines 6-65), (Col. 2, lines 4-67) and (Col.3, lines 1-11)]

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Regarding claim 9, Traber further discloses an aqueous mixture according to claim 7, wherein B) is a mixture of citric acid (Col. 4, line 38) and sodium gluconate (sequestering agent); C) is cumenesulphonic acid (sequestering agent); and D) is magnesium chloride (i.e. magnesium salt). [(Col. 1, lines 6-65), (Col. 2, lines 4-10), (Col. 7, lines 35-67) and (Col. 8, lines 1-23)]

Regarding claim 10, Traber further discloses an aqueous mixture according to claim 1, wherein said component A has a concentration of 1% to 40% by weight, said component B has a concentration of 1% to 20% by weight, said components C and D each have a concentration of 0.1% to 10% by weight, based on the aqueous mixture. (Col. 1, lines 6-65)

Regarding claim 11, Traber further discloses an aqueous mixture according to claim 1, wherein said component A has a concentration of 7% to 20% by weight, said component B has a concentration of 2% to 10% by weight, said components C and D each have a concentration of 0.4% to 5% by weight, based on the aqueous mixture. (Col. 1, lines 6-65)

Regarding claim 12, Traber further discloses an aqueous mixture according to claim 1, wherein said component A has a concentration of 14% to 20% by weight, said component B has a concentration of 3% to 8% by weight, said components C and D

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each have a concentration of 0.6% to 2.5% by weight, based on the aqueous mixture.

(Col. 1, lines 6-65)

Regarding claim 13, Traber further discloses an aqueous mixture according to claim 1, further comprising a antifoaming agent (foaming-suppressing component) and a defoamer. [(Col.1, lines 66-67) and (Col. 2, lines 1-3)]

Regarding claim 14, Traber further discloses a textile pretreated with the aqueous mixture according to claim 1. (Col. 7, line 12-21)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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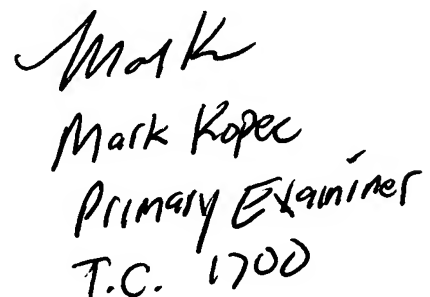
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh T. Nguyen whose telephone number is (571) 272-8082. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



KTN  
07/19/2007



Mark Kopeck  
Primary Examiner  
T.C. 1700